

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**February 13, 2008**

**DIVISION ONE**

B197522     James Perry  
                 v.  
                 Tom Topping

Filed order denying petition for rehearing.

**DIVISION TWO**

B193714     Valcom et al.                             (Not for Publication)  
                 v.  
                 Chicago Title Company et al.

Summary judgment and the award of attorney fees in favor of Laurus and Chicago are reversed. The matter is remanded for further proceedings against Chicago and Laurus with respect to breach of contract, conversion and violation of section 2924k. As well, the accounting claim may proceed against Laurus. Valcom is entitled to recover the costs it incurred on appeal.

Ashmann-Gerst, J.

We concur:   Boren, P.J.  
                 Chavez, J.

February 13, 2008 (Continued)

## DIVISION TWO (continued)

B191944      Naco      (Not for Publication)  
v.  
Kermani

Naco's motion to dismiss the appeal is denied. The parties request for sanctions are denied.

Boren, P.J.

We concur: Doi Todd, J.  
Ashmann-Gerst, J.

DIVISION FOUR

B195686 People  
v.  
Hypolite

Filed order denying petition for rehearing.

## DIVISION FIVE

B193493 DLJ Mortgage Capital, Inc., (Not for Publication)  
v.  
Homeloan Mortgage Corporation, et al.,

The judgment is affirmed. Respondent(s) to recover costs.

Armstrong, J.

We concur:   Turner, P.J.  
                      Mosk, J.

## DIVISION FIVE (continued)

B201283      People      (Not for Publication)  
v.  
Alfredo Manzano

The judgment is modified to impose: a \$40 state surcharge pursuant to Penal Code section 1465.7, subdivision (a) as to the 290.3 fine; a \$2 state surcharge pursuant to Penal Code section 1465.7, subdivision (a) as to the section 1202.5 crime prevention fund fine; a \$60 state court construction penalty as to the section 290.3 fine pursuant to Government Code section 70372, subdivision (a); and a \$3 state court construction penalty as to the section 1202.5 fine pursuant to Government Code section 70372, subdivision (a). The judgment is affirmed in all other respects.

Turner, P.J.

We concur:    Armstrong, J.  
                         Kriegler, J.

B197573 People (Not for Publication)  
v.  
Jerry Ma

The judgment is modified to include: three \$15 state court construction penalties pursuant to Government Code section 70372, subdivision (a); three \$10 state surcharge pursuant to Penal Code section 1465.7, subdivision (a); and four \$20 court security fees pursuant to Penal Code section 1465.8, subdivision (a)(1). The state court construction fee, state surcharge, and court security fee as to count 4 are stayed pursuant to section 654, subdivision (a). The superior court clerk shall forward a corrected copy of the abstract of judgment to the Department of Corrections and Rehabilitation. The judgment is affirmed in all other respects.

Turner, P.J.

We concur: Mosk, J.  
Kriegler, J.

February 13, 2008 (Continued)

DIVISION FIVE (continued)

B199099      Paul Bilecky                      (Not for Publication)

v.

Pacific Exchange, Inc.,

The March 23, 2007 order denying the petition to set aside the June 20, 2006 judgment is affirmed. Defendant, Pacific Exchange, Inc., is to recover its costs on appeal from plaintiff, Paul Bilecky.

Turner, P.J.

We concur:    Armstrong, J.  
                     Mosk, J.

DIVISION SIX

Court convened at 9:00 a.m.

Present: Gilbert, P.J., Yegan, J., Coffee, J., Perren, J. and G. Bents, Senior Deputy Clerk.

B165901      Chacon v. Chacon

Argument continued to March, 2008.

Each of the following:

B197728 Marriage of Cunningham

B199347 Penn v. Valverde

Argument waived, cause submitted.

DIVISION SIX (continued)

B200565      Human Services Agency  
                 v.  
                 Crystal R.

Merits:

Argued by Catherine C. Czar for appellant. Alison L. Harris, Assistant County Counsel, appeared on behalf of respondent. Cause submitted.

B200484      Human Services Agency  
                 v.  
                 Randy F. and Bernadette A.

Merits:

Argued by Linda Stevenson, Assistant County Counsel for respondent. Argument previously waived by appellants Randy F. and Bernadette A. Cause submitted.

B194254      Herman  
                 v.  
                 City of Santa Barbara

Merits:

Argued by Wendy C. Lascher for appellant and by Stephen Wiley, City Attorney, for respondent. Cause submitted.

B197453      Human Services Agency  
                 v.  
                 Laquida J.

Merits:

Argued by Catherine C. Czar for appellant and by Oliver G. Hess, Assistant County Counsel, for respondent. Cause submitted.

DIVISION SIX (continued)

B195387     In re Marriage  
              of  
              Jones

Merits:

Argued by Vanessa Kirker for appellant and by Milton Haruo Yoshimoto for respondent. Cause submitted.

B188802     American Tractor Equipment Corp.  
              v.  
              Hales

Merits:

Argued by Richard C. Gillman for appellants and by Wendy C. Lascher for respondent. Cause submitted.

B190924     Stockwell  
              v.  
              Windham

Merits:

Argued by Lawrence M. Lebowsky for appellants and by Wilmer Windham for respondents. Cause submitted.

B197459     In re Marriage  
              of  
              Lisman

Merits:

Argued by Gregory Wallace Herring for appellant and by R. Dennis Orrock for respondent. Cause submitted.

Coffee, J. left the bench.

DIVISION SIX (continued)

B203089      In re Marriage  
                 of  
                 Holtemann

Merits:

Argued by Bernard N. Wolf for appellant and by Robert H. Mott for respondent. Cause submitted.

Court recessed.

Court reconvened at 1:30 p.m.

Present: Gilbert, P.J., Yegan, J., Coffee, J., Perren, J. and G. Bents, Senior Deputy Clerk.

Each of the following:

B185600 Carsel v. Ferguson  
B200085 Child Welfare Services v. Betty P.  
B200709 Child Welfare Services v. Joseph M.

Argument waived, cause submitted.

B194356      Kandel  
                 v.  
                 City of Thousand Oaks

Merits:

Argued by Wendy C. Lascher for appellants and by Joseph L. Stark for respondents City of Thousand Oaks, et al. Gary M. Schumacher appeared on behalf of respondent Urquhart and waived argument. Cause submitted.

DIVISION SIX (continued)

B198455 California Back Specialists Medical Group

v.

Rand

Merits:

Argued by Timothy Dann Rand-Lewis for appellants and by Stephen M. Losh for respondent. Cause submitted.

B195430 Sondermann Ring Partners Ventura Harbor

v.

City of San Buenaventura

Merits:

Argued by Robert I. McMurry for appellant and by James Neurerburg, Assistant City Attorney, and Wendy C. Lascher, by leave of court, for respondents. Cause submitted.

Perren, J. left the bench.

B201820 Spartan Funding Group

v.

Gurney

Merits:

Argued by Howard M. Jaffe for appellant and by Tracey P. Hom for respondents. Cause submitted.

Perren, J. returns to the bench.

Yegan, J. left the bench



DIVISION SIX (continued)

B192011      Ershadi  
                 v.  
                 Ahmadpour

Merits:

Argued by Neil C. Evans for appellant A & M Supertime Transport; by Abulghasem Ahmadpour, appellant, appearing in propria persona and by Steve Neimand for respondents. Cause submitted.

Yegan, J. returns to the bench.

Gilbert, P.J. left the bench.

B200743      Graphic Communications Union  
                 v.  
                 Ennis Business Forms, Inc.

Merits:

Argued by Bruce A. Harland for appellant and by Richard J. Kern for respondents. Cause submitted.

B193610      Keyes  
                 v.  
                 Ezor

Merits:

Argued by Thomas Brackey for appellants and by Henry D. Gradstein for respondent. Cause submitted.

Court Adjourned.

DIVISION EIGHT

B190488      Fernandes                      (Not for Publication)  
v.  
Krabbe, et al.

The judgment is affirmed. Respondent(s) to recover costs.

Flier, J.

We concur: Cooper, P.J.  
Rubin, J.

B192974 People (Not for Publication)  
v.  
Dean

The judgment is affirmed.

Flier, J.

We concur: Cooper, P.J.  
Egerton, J. (Assigned)

B191092 Beroukhim, et al. (Not for Publication)  
v.  
American Automobile Association, et al.

The judgment is affirmed. Respondent(s) to recover costs.

Cooper, P.J.

We concur: Rubin, J.  
Flier, J.

February 13, 2008 (Continued)

## DIVISION EIGHT (continued)

B197579      Los Angeles County, D.C.F.S.      (Not for Publication)  
v.  
Pamela J.

The judgment is affirmed.

Cooper, P.J.

We concur: Rubin, J.  
Egerton, J. (Assigned)

B193989      People                        (Not for Publication)  
v.  
Milam

The judgment is affirmed.

Cooper, P.J.

We concur: Rubin, J.  
Flier, J.

B196459 People (Not for Publication)  
v.  
Perez

The order requiring appellant to pay attorney fees is reversed and remanded for compliance with the notice and hearing procedures set forth in section 98738, subdivision (b). In all other respects, the judgment is affirmed.

Flier, J.

We concur: Cooper, P.J.  
Rubin, J.

February 13, 2008 (Continued)

## DIVISION EIGHT (continued)

B194162 People (Not for Publication)  
v.  
Molina

The case is remanded with directions to correct the abstract of judgment on the gang enhancement, as set forth in part 6, *ante*. In all other respects, the judgment is affirmed.

Flier, J.

We concur: Rubin, Acting P.J.  
Egerton, J. (Assigned)

B195788 People (Not for Publication)  
v.  
Shelly Hines

The judgment is affirmed.

Rubin, J.

We concur: Cooper, P.J.  
Flier, J.

February 13, 2008 (Continued)

DIVISION EIGHT (continued)

1000238-08

The Honorable **VICTORIA M. CHAVEZ**, Associate Justice of the Court of Appeal, Second Appellate District, Division Two, is hereby assigned to assist the Court of Appeal, Second Appellate District, Division Eight, as a justice thereof, on the following dates:

**February 13, 2008**

And until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Court of Appeal Justice, all petitions for rehearing arising out of such causes and matters.

This assignment does not extend to any matter in which the panel would be composed of two justices pro tempore.

February 13, 2008

Ronald M George  
Chief Justice of California and  
Chairperson of the Judicial Council